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DIONNA O. PARKER
1021-31ST ST.
NEWPORT NEWS VA 23605

MAILED

MAR 18 2009

In re Application of	:	OFFICE OF PETITIONS
Dionna O. PARKER	:	
Application No. 10/693,385	:	ON PETITION
Filed: October 27, 2003	:	
Attorney Docket No. n/a	:	

This is a decision on the communications, filed January 10, 2007 and June 8, 2007, addressed to the Board of Patent Appeals and Interferences, which appear to be in response to the petition decision of May 31, 2006, and are collectively being treated as a petition to revive the above-identified application under the provisions of 37 CFR 1.137(b). This petition is properly treated by the Office of Petitions.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 8, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 9, 2005.

At the outset it is noted that the instant petition was directed to the Board of Patent Appeals and Interferences (Board). At this time the Board does not have jurisdiction over the application.

In the previous petition decision mailed May 31, 2006 petitioner was informed of the correct procedure for reviving an abandoned application under either 37 CFR 1.137(a) or (b) and was provided a copy of MPEP 711.03(c) which provides a general discussion of the procedures for filing a petition to revive an abandoned application, as well as petition forms for both the

unavoidable delay and unintentional delay petitions. These forms and the entire MPEP are available from the USPTO web site. The instant petition indicates that petitioner is attempting to revive the application; however, petitioner has not complied with any of the requirements of 37 CFR 1.137(a) or (b). In order to comply with the provisions of either 37 CFR 1.137(a) or (b) petitioner must provide: (1) a proper reply to non-final Office action of September 8, 2005; (2) the appropriate petition fee; and (3) either an adequate showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable or a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. As petitioner has provided none of the above the petition may not be further treated on the merits. Petitioner is cautioned that any delay in filing an appropriate petition to revive may be considered an intentional delay in reviving the above-identified application. Any such intentional delay may preclude the granting of a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b).

Petitioner's comments about Mr. Andrew James Sr. have been noted. These comments were addressed in the previous decision on petition and no further comment will be made. However, petitioner is advised that the USPTO is not the forum for resolving disputes between applicants and their representatives. See Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995).

Additionally, petitioner is reminded that personnel employed by the USPTO are prohibited from aiding petitioner or any other person in the prosecution of an application. As noted in the previous decision on petition in view of petitioner's apparent lack of knowledge of the rules and procedures which govern the USPTO the services of a registered attorney or agent are strongly recommended.

Petitioner may also seek limited assistance (not advice) from the USPTO Office of Petitions Help Desk at (571) 272-3282, and additional information, and forms from the USPTO web site at: www.uspto.gov.

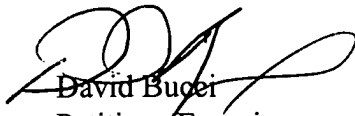
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries should be directed to the undersigned at (571) 272-7099.



David Bucci
Petitions Examiner
Office of Petitions